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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,370	08/31/2000	James P. Allen	AUS000537US1	4444

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EXAMINER
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FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 11/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/652,370

Applicant(s)

ALLEN ET AL.

Examiner

Mohammad O. Farooq

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9,10,13,17,19-21,23,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,8,11,12,14-16,18,22,24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4, 7, 9, 13, 17, 19, 20, 23, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasrebi, U.S. Pat. No. 5,463,625.
2. As to claim 1, Yasrebi teaches method comprising: receiving a close request (prior to put to sleep); and setting the adapter to a quasi-open state (put to sleep mode) in response to receiving the close request (col. 10, lines 52-64).
3. As to claim 4, Yasrebi teaches system maintaining a set of minimal resources (when it is put to sleep; col. 10, lines 52-64).
4. As to claim 7, Yasrebi teaches releasing extended resources corresponding with the adapter (after waking up; col. 10, lines 47-52).

Art Unit: 2182

5. As to claim 9, Yasrebi teaches current state from a group consisting open (after waking up), closed (after termination) and quasi-open (during put to sleep; col. 10, lines 38-64).

6. Claims 13, 17, and 19 comprise same limitations as method claims 4, 7, and 9 respectively. Yasrebi teaches method as set forth in claims 4, 7, and 9. Therefore, Yasrebi also teaches apparatus as set forth in claims 13, 17, and 19.

7. Claims 20, 23, 26, and 27 comprise same limitations as method claims 1, 4, 7, and 9 respectively. Yasrebi teaches method as set forth in claims 1, 4, 7, and 9. Therefore, Yasrebi also teaches computer program product as set forth in claims 20, 23, 26, and 27.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasrebi, U.S. Pat. No. 5,463,625 in view of Ahlberg et al. U.S. Pat. No. 5,574,774.

Art Unit: 2182

9. As to claims 2 and 21, Yasrebi does not teach determining open state between the adapter and the fibre channel and maintaining the open state.

Ahlberg et al. teach determining open state between adapter and the fibre channel and maintaining the open state (col. 11, lines 19-35). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Yasrebi and Ahlberg et al. because that would provide the user to simply establish the additional communications via the open communication link without significant delay or without competing with other users because of limited channels (col. 4, lines 28-50).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasrebi, U.S. Pat. No. 5,463,625 in view of Ho et al. U.S. Pat. No. 6,038,235.

11. As to claim 10, Yasrebi teaches system comprising:

means for receiving close request (prior to put to sleep) and setting the adapter (or a device such as workstation) to a quasi-open state (put to sleep mode) in response to receiving the close request (col. 10, lines 52-64).

Yasrebi does not teach processors, memory, nonvolatile storage device and fibre channel. Ho et al. teach processors, memory, nonvolatile storage device (non volatile memory) and fibre channel (col. 1, lines 32-46). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of

Art Unit: 2182

Yasrebi and Ho et al. because that would place a target device coupled to fiber channel in an open state for receiving data from the host electronic device (col. 4, lines 32-35).

### ***Allowable Subject Matter***

12. Claims 3, 5, 6, 8, 11, 12, 14, 15, 16, 18, 22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

13. Applicant's arguments filed August 7, 2003 have been fully considered but they are not persuasive.

14. Examiner would like to point out the key concept of the invention is mentioned/taught by the Yasrebi wherein the adapter goes to quasi-open state when a close request is received. The reference does not specifically mention the words close, open and quasi-open but the key concept is taught in the reference (Yasrebi) by the concept of "put to sleep" since the independent claims are too broad and the claim language is interpreted in the broadest possible manner. Also, the applicants'

Art Unit: 2182

representative failed to give enough details to the independent claims or to provide further explanation to the independent claims to make the claim language distinct from the reference. Further, the applicants' representative did not make objected dependent claims in independent form or incorporate the objected limitations of one or more dependent claims to the limitations of all of the independent form to make the application for a possible allowance. Therefore, the examiner retains the rejection.

15. The examiner has provided Ahlberg et al. reference to reject the limitations present in claims 2 and 21, and has objected to claims 3, 6, 16 and 22 since no reference is provided for these claims.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

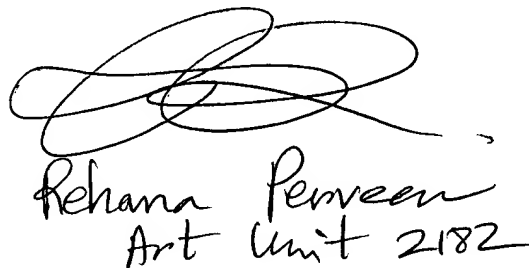
Art Unit: 2182

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (703) 305-3888. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mohammad O. Farooq  
October 30, 2003



Rehana Perveen  
Art Unit 2182